

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

RAM ENGINEERING AND CONSTRUCTION, INC.)	
)	
_____)	CASE NO.
)	2021-00163
ALLEGED VIOLATION OF UNDERGROUND)	
FACILITY DAMAGE PREVENTION ACT)	

OPENING ORDER

Ram Engineering and Construction, Inc. (Ram) has been named as a party to an investigation before the Kentucky Public Service Commission (Commission) for allegedly violating the Kentucky Underground Facility Damage Prevention Act (Act).¹

Pursuant to KRS 278.495(2), the Commission has jurisdiction to regulate the safety of natural gas facilities in Kentucky and to enforce minimum federal pipeline safety standards. Under the Act, the Commission has authority to investigate and assess civil penalties for any violation of the Act that results in excavation damage to an underground facility used to transport natural gas or hazardous liquid subject to federal pipeline safety laws, 49 U.S.C. § 60101, *et seq.* Any person who violates any provision of the Act is subject to assessment of a civil penalty in the amount of \$250 for the first offense, no more than \$1,000 for the second offense within one year, and no more than \$3,000 for the third and any subsequent offense. Additionally, any person whose violation of the Act results in damage to an underground facility containing any flammable, toxic, corrosive,

¹ KRS 367.4901 through KRS 367.4917.

or hazardous material or results in the release of any flammable, toxic, corrosive, or hazardous material is subject to an additional penalty of up to \$1,000.

Following receipt of a report of excavation damage to its underground gas pipeline from an operator, Commission Staff (Staff) conducted an investigation and prepared an Incident Report, a copy of which is attached to this Order as an Appendix. In its Incident Report, Staff cites Ram for violation of the following provision of the Act:

KRS 367.4911(2) – Locate requests are valid for twenty-one (21) calendar days from the day of the initial request.

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds prima facie evidence that Ram violated the Underground Facility Damage Prevention Act. The Commission further finds that a formal investigation into the excavation damage incident should be conducted.

IT IS THEREFORE ORDERED that:

1. Ram shall submit to the Commission, via email sent to PSCED@ky.gov with the case number of this proceeding in the subject line of the message, a written response to the allegations contained in the Staff Incident Report within 20 days of receipt of this Order.

2. **Any partnership, corporation, or business entity (including a limited liability company) must be represented by an attorney licensed to practice law in Kentucky, and such representation includes the filing of papers with and appearances at hearings before the Commission.**

3. The Staff Incident Report 32179 in the Appendix to this Order is made a part of the record in this case.

4. Please note that notice of a hearing to be held in this matter will be mailed to Ram once proof of service is received by the Commission. Parties who fail to appear after service will be subject to entry of a default judgment against them.

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By the Commission



ATTEST:


Executive Director

Case No. 2021-00163

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2021-00163 DATED APR 19 2021

SIX PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

KY PSC Investigator(s) Eric V. Tout Incident Date 10/8/2019 11:55:00 AM	Incident ID 32179 Report Submitted 11/1/2019 8:07:05 AM
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OPERATOR INFORMATION

Operator Louisville Gas and Electric Company Phone (502) 364-8281 Incident Location 1047 Franklin St Louisville, KY 40206 Jefferson	Reported By Mike Jones Email Mike.Jones@lge-KU.com Locate Ticket Number 1906270958 (expired)
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EXCAVATOR INFORMATION

Name of Excavator Workman, Mike Phone 502-778-3537 Excavator Address Ram Engineering and Construction, Inc. 3208 Woodland Ave Louisville, KY 40211	Organization ID 0043394 Email Locate Ticket Number
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INCIDENT

The Operator reports that the Excavator damaged a 1" gas service, the Excavator's Locate Ticket (LT) was expired and marks were visible and accurate, but for other excavators.

The Damage Report is include as Attachment 1.

Excavation Summary

Excavation Within 18" (Approximate Location)	Type Of Equipment Used	Cost of Damage (Per Operator)	Amount Billed (Excavator)
Expired locate ticket	Not specified	\$705.00	\$0.00

LT Summary

Ticket #	Valid	Initial Date	Expiration Date (21 calendar days from Initial date)	Incident Date	# of Days Expired	Within Scope of Excavation
1906270958	No	06/27/19	7/18/2019	10/08/19	103	Yes

The Locate Ticket(s) is/are include as Attachment 2.

INVESTIGATION

A review of the LT...0958 reveals it was obtained on 06/27/19, by Ram, expiring on 07/18/19, indicating it was expired 103 days prior to the incident date of 10/08/19.

On 06/25/20 an attempt to contact Ram at its web # 502-778-6484 resulted in Jeanie Chilton requesting an email (Jeanie.Chilton@gmail.com) outlining the incident.

On 06/26/20 Debbie Madden (502-778-3511) of Ram stated that no valid LT could be found regarding this incident. Ms. Madden was receptive to attending the Damage Prevention Course and paying the reduced penalty of \$250.00.

VIOLATION

KRS 367.4911 (2) Locate requests are valid for twenty-one (21) calendar days from the day of the initial request.

of Offences (Including this incident)

Excavator	Last Offence Incident #	Last Offence Incident Date	Last Offence Resolved Date
1 st	N/A	N/A	N/A

Attachment 1

Gas Excavation Damage Report

Louisville Gas and Electric Company

Submitted 11/1/2019 Incident ID 32179

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=32179\)](#)

Reported By:

Name	Mike Jones
Phone	(502) 364-8281
Email	Mike Jones@lge-KU.com

Gas Line Incident Occured:

Date	10/8/2019
Time	11:55 AM

Details:

Reported Date	11/1/2019 8:07 AM
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Incident Location Address:

Location	
Address	1047 Franklin St
City	Louisville
State	KY
County	Jefferson
Zip	40206
Confirm Code	Y
Number of Customers out	1
Was gas or hazardous liquids contained in the underground facility?	<input type="checkbox"/>
Was gas or hazardous liquids released into the atmosphere?	<input type="checkbox"/> *
	3/2020
Locate Request Ticket No.	1906270958 (expired)
Excavator	Contractor

Excavator Address:

First Name	Mike
Last Name	Workman
Organization ID	
Company	Ram Construction and Engineering
Phone	502-778-3537
Email	

Address 3208 Woodland Ave
City Louisville
State KY
Zip 40211
Confirm Code Y
Excavation Damage One Call notification practices not sufficient

Description of Incident ?Excavator damaged 1" plastic customer service digging on expired BUD ticket.

Summary Information

11/1/2019

Full details such as the cause Excavator damaged 1" plastic customer service digging on expired BUD ticket. Marks visible and accurate. The contractor caught the service and pulled it away from the bank and out of line with the old marks. Marked for more recent tickets by other contractors.
Extent of the damage 1" plastic service
Cost of the damage \$705.00
Steps taken to prevent re-occurrence Spoke to several people involved about dig law and Know What's Below brochure. There was no interest in a damage prevention tailgate.
Amount billed to excavator \$0.00

Attachment 2

NORMAL NOTICE SEE REMARKS

Ticket : 1906270958 Date: 06/27/2019 Time: 10:48 Oper: TROBERTS Chan:000

State: KY Cnty: JEFFERSON City: LOUISVILLE
Subdivision:

Address : 1049

Street : FRANKLIN ST

Cross 1 : BUCHANAN ST

Location: THIS IS AT A MSD BUILDING - LOCATE EVERYTHING WEST OF THE 8 FOOT METAL PIPE STICKING OUT OF THE GROUND IN THE REAR OF THE PROPERTY THATS WITHIN IN THE FENCED IN AREA - TO GAIN ACCESS TO THIS PROPERTY USE THE GATE THAT IS ON FRANKLIN DRIVE BEFORE THE RAILROAD TRACKS

:

Boundary: n 38.259006 s 38.256269 w -85.732726 e -85.728739

Work type : INSTALL RETENTION SYSTEM

Done for : PACE CONTRACTING

Start date: 07/01/2019 Time: 11:00 Hours notice: 96/48 Priority: NORM

Ug/Oh/Both: U Blasting: NO

Emergency: N

Duration : N/A

Depth: 50 FEET

Company : RAM ENGINEERING AND CONSTRUCTION Type: CONT

Co addr : 3208 WOODLAND AVE

City : LOUISVILLE State: KY Zip: 40211

Caller : DEBBIE MADDEN Phone: (502)778-6484

Contact : MIKE WORKMAN - CELL Phone:

Mobile : (260)229-7219

Fax : (502)778-3551

Email : DEBBIE.MADDEN@CHILTONGROUP.COM

Remarks : THIS TICKET REPLACES 1906260309 DUE TO CHANGED LOCATE INSTRUCTIONS - THANK YOU - PLEASE CALL MIKE WORKMAN 502-640-0660 WITH ANY QUESTIONS - THANK YOU

:

Submitted date: 06/27/2019 Time: 10:48

Members: 0002 0004 0006 0007 0054 0139

Richard C. Chilton
Ram Engineering and Construction, Inc.
3208 Woodland Ave.
P.O. Box 11549
Louisville, KENTUCKY 40211